

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

S.S., individually and on behalf of K.C., a child with
a disability,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

Case No. 21-cv-02134 (JPC)

**~~PROPOSED~~ JUDGMENT AWARDING PLAINTIFFS' ATTORNEYS' FEES AND
COSTS**

The Court GRANTS Plaintiffs' motion for summary judgment, as well as post-judgment interest WITH MODIFICATIONS as set forth on the record of the proceedings held by the Court on June 15, 2022:

Hourly Rates:

1. Plaintiffs are entitled to an hourly rate of \$400.00 for senior attorneys Andrew Cuddy and Michael Cuddy.
2. Plaintiffs are entitled to an hourly rate of \$300.00 for associate attorneys Justin Coretti and Kevin Mendillo, and Plaintiffs are entitled to an hourly rate of \$200.00 for associate attorneys Britton Bouchard and Matthew St. Martin.
3. Plaintiffs are entitled to an hourly rate of \$125.00 for paralegals Sarah Woodard, John Slaski, and Shobna Cuddy. Plaintiffs are entitled to an hourly rate of \$100.00 for paralegals Allison Bunnell, Amanda Pinchak, ChinaAnn Reeve, and Cailin O'Donnell.

4. Plaintiffs are entitled to an hourly rate of \$150.00 per hour for the travel time of Justin Coretti.

Administrative Proceeding:

5. Plaintiffs are not entitled to the 4.5 hours of time billed by Michael Cuddy for travel billed to the impartial hearing.
6. Plaintiffs are not entitled to 1.4 hours of time billed by Justin Coretti for various implementation work.
7. Plaintiffs are not entitled to the 6.2 hours spent producing the administrative billing statement as those hours pertained to reviewing and preparing billing statements, this encompasses 3.9 hours from Shobna Cuddy, 2.0 hours from Andrew Cuddy, and 0.3 hours from Kevin Mendillo.
8. Plaintiffs are entitled to 0.9 hours billed by Andrew Cuddy as part of the administrative proceedings, after reducing Mr. Cuddy's total hours of 2.9 by 2.0. At an hourly rate of \$400.00 per hour, Plaintiffs are entitled to a total of \$360.00 for Mr. Cuddy.
9. Plaintiffs are entitled to 41.5 hours billed by Justin Coretti as part of the administrative proceedings, after reducing Mr. Coretti's total hours of 42.9 by 1.4. At an hourly rate of \$300.00 per hour, Plaintiffs are entitled to \$12,450.00 for Mr. Coretti.
10. Plaintiffs are entitled to 1.5 hours of travel each way between the Plaintiff's counsel's offices and the hearing location, for a total of 3.0 hours in travel. At a rate of \$150.00 per hour, Plaintiffs are entitled to \$450.00 in billed travel time for Mr. Coretti.

11. Plaintiffs are entitled to 21 hours of time billed by Matthew St. Martin at the rate of \$200.00 per hour, thereby entitling Plaintiffs to \$4,200.00 for Mr. St. Martin.
12. Plaintiffs are entitled to 0.7 hours billed by Kevin Mendillo as part of the administrative proceedings, after reducing Mr. Mendillo's total hours of 1.0 by 0.3. At an hourly rate of \$300.00 per hour, Plaintiffs are entitled to \$210.00 for Mr. Mendillo.
13. Plaintiffs are entitled to 4.2 hours of time billed by Michael Cuddy at the rate of \$400.00 per hour, thereby entitling Plaintiffs to \$1,680.00 for Mr. Cuddy.
14. Plaintiffs are entitled to 17.4 hours of time billed by paralegals Allison Bunnell (8.3), Amanda Pinchak (7.9), and Cailin O'Donnell (1.2) as part of the administrative proceeding. At an hourly rate of \$100 per hour, Plaintiffs are entitled to a total of \$1,740.00 in fees for the above paralegals.
15. Plaintiffs are entitled to 2.3 hours of time billed by paralegals Sarah Woodard (1.7) and John Slaski (0.6) as part of the administrative proceeding. At an hourly rate of \$125.00 per hour, Plaintiffs are entitled to a total of \$287.50 in fees for the above paralegals.
16. Plaintiffs are entitled to a total of \$21,377.50 in fees for the administrative proceeding.

Federal Action:

17. Upon conclusion of the below calculations, an overall reduction of twenty percent (20%) will be applied to the hours billed to the federal action.

18. Plaintiffs are not entitled to the 2.8 hours spent producing the federal billing statements, including 2.4 hours from Shobna Cuddy, 0.3 hours from Andrew Cuddy, and 0.1 hour from Justin Coretti.
19. The total number of hours incurred by Andrew Cuddy in the federal proceeding amounts to 4.4 hours after reducing Mr. Cuddy's hours of 4.7 by 0.3. At the hourly rate of \$400.00, this amounts to \$1,760.00; with a 20% reduction, Plaintiffs are entitled to \$1,408.00 for the hours billed by Andrew Cuddy.
20. The total number of hours incurred by Justin Coretti in the federal proceeding amounts to 50.2 hours after reducing Mr. Coretti's total hours of 50.3 by 0.1. At the hourly rate of \$300.00, this amounts to \$15,060.00; with a 20% reduction, Plaintiffs are entitled to \$12,048.00 for the hours billed by Justin Coretti.
21. The total number of hours incurred by Britton Bouchard in the federal proceeding amounts to 0.5 hours. At the hourly rate of \$200.00, this amounts to \$100.00; with a 20% reduction, Plaintiffs are entitled to \$80.00 for the hours billed by Britton Bouchard.
22. The total number of hours incurred by Kevin Mendillo in the federal proceeding amounts to 0.9 hours. At the hourly rate of \$300.00, this amounts to \$270.00; with a 20% reduction, Plaintiffs are entitled to \$216.00 for the hours billed by Kevin Mendillo.
23. The number of hours incurred by Shobna Cuddy in the federal proceeding amounts to 0.8 hours after reducing Ms. Cuddy's total hours of 3.2 by 2.4. At the hourly rate of \$125.00, this amounts to \$100.00; with a 20% reduction, Plaintiffs are entitled to \$80.00 for the hours billed by Shobna Cuddy.

24. The total number of hours incurred by ChinaAnn Reeve in the federal proceeding amounts to 0.7 hours. At the hourly rate of \$100.00, this amounts to \$70.00; with a 20% reduction, Plaintiffs are entitled to \$56.00 for the hours billed by ChinaAnn Reeve.

25. Plaintiffs are entitled to a total of \$13,888.00 in fees for the federal action.

Costs billed to Administrative Proceeding:

26. Plaintiffs are not entitled to recover for fax costs.

27. Plaintiffs are entitled to 10 cents per page for copying expenses, for a total of \$11.80.

28. Plaintiffs are entitled to one-third of the amount sought for meals, mileage, transportation, parking, and tolls, of which, Plaintiffs seek a total amount of \$320.27. One-third of the total amount sought by Plaintiffs equals \$106.76.

29. Plaintiffs are entitled to \$13.83 in postage costs.

30. Plaintiffs are entitled a total of \$132.39 in costs for the administrative proceeding.

Costs billed to Federal Proceeding:

31. Plaintiffs are entitled to the filing fee in the amount of \$402.00.


32. Plaintiffs are entitled a total of \$402.00 in costs for the federal action.

Accordingly, it is hereby ORDERED that Plaintiffs are awarded attorneys' fees in the amount of \$35,265.50 and costs in the amount of \$534.39, with post-judgment interest thereon.

SO ORDERED.

Dated: July 11, 2022
New York, New York

The Clerk of Court is respectfully directed to enter judgment for Plaintiffs in the amount of \$35,265.50 in attorneys' fees and \$534.39 in costs, with post-judgment interest thereon, and to close this case.

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

Hon. John P. Cronan
United States District Judge